

Amendments to House Bill No. 12  
2nd Reading/2nd House Copy

Requested by Senator Larry Jent

For the Senate Judiciary Committee

Prepared by Valencia Lane  
March 23, 2011 (4:10pm)

1. Title, line 6 through line 7.  
**Following:** "OFFENSES" on line 6  
**Strike:** remainder of line 6 through "YEAR" on line 7
2. Page 1, line 15.  
**Strike:** "1 year"  
**Insert:** "6 months"
3. Page 2, line 19.  
**Strike:** "10 days"  
**Insert:** "6 months"
4. Page 2, line 21.  
**Strike:** "20 days"  
**Insert:** "6 months"
5. Page 2, line 24.  
**Strike:** "30 days"  
**Insert:** "1 year"
6. Page 2, line 26.  
**Strike:** "60 days"  
**Insert:** "1 year"
7. Page 2, line 30.  
**Strike:** "10"  
**Insert:** "30"
8. Page 3, line 3.  
**Strike:** "20"  
**Insert:** "60"

- END -

1 notwithstanding 46-18-201(2), the imprisonment sentence may be suspended for a period of up to 1 year pending  
 2 successful completion of a chemical dependency treatment program by the person.

3 (3) Except as provided in subsection (4), on the third conviction, the person shall be punished by  
 4 imprisonment for a term of not less than 30 days or more than 1 year and by a fine of not less than \$1,000 or  
 5 more than \$5,000, except that if one or more passengers under 16 years of age were in the vehicle at the time  
 6 of the offense, the person shall be punished by imprisonment for a term of not less than 60 days or more than  
 7 ~~42 months~~ 1 year and by a fine of not less than \$2,000 or more than \$10,000. At least 48 hours of the  
 8 imprisonment term must be served and served consecutively and may not be served under home arrest. The  
 9 imposition or execution of the first 10 days of the imprisonment sentence may not be suspended. The remainder  
 10 of the imprisonment sentence may be suspended for a period of up to 1 year pending successful completion of  
 11 a chemical dependency treatment program by the person.

12 (4) If the person has a prior conviction under 45-5-106, the person shall be punished as provided in  
 13 61-8-731 for a fourth or subsequent offense of driving under the influence of alcohol or drugs or with an excessive  
 14 alcohol concentration."  
 15

16 **Section 2.** Section 61-8-722, MCA, is amended to read:

17 **"61-8-722. Penalty for driving with excessive alcohol concentration -- first through third offense.**

18 (1) Except as provided in subsection (4), a person convicted of a violation of 61-8-406 shall be punished by  
 19 imprisonment for not more than ~~10 days~~ <sup>6 months</sup> and by a fine of not less than \$300 or more than \$1,000, except that if  
 20 one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall  
 21 be punished by imprisonment for not more than ~~20 days~~ <sup>6 months</sup> and by a fine of not less than \$600 or more than \$2,000.  
 22

23 (2) Except as provided in subsection (4), on a second conviction of a violation of 61-8-406, the person  
 24 shall be punished by imprisonment for not less than 5 days, to be served in the county jail and not on home arrest,  
 25 or more than ~~30 days~~ <sup>1 year</sup> and by a fine of not less than \$600 or more than \$1,000, except that if one or more  
 26 passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished  
 27 by imprisonment for not less than 10 days, which may not be served on home arrest, or more than ~~60 days~~ <sup>1 year</sup> and  
 28 by a fine of not less than \$1,200 or more than \$2,000. The imposition or execution of the first 5 days of the  
 imprisonment sentence may not be suspended.

29 (3) Except as provided in subsection (4), on a third conviction of a violation of 61-8-406, the person shall  
 30 be punished by imprisonment for not less than ~~10 days~~ <sup>30</sup> days, to be served in the county jail and not on home arrest,  
 1

1 or more than ~~6 months~~ 1 year and by a fine of not less than \$1,000 or more than \$5,000, except that if one or  
2 more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be  
3 punished by imprisonment for not less than <sup>60</sup>~~28~~ days, which may not be served on home arrest, or more than ~~42~~  
4 ~~months~~ 1 year and by a fine of not less than \$2,000 or more than \$10,000. The imposition or execution of the first  
5 10 days of the imprisonment sentence may not be suspended.

6 (4) If the person has a prior conviction under 45-5-106, the person shall be punished as provided in  
7 61-8-731 for a fourth or subsequent offense of driving under the influence of alcohol or drugs or with an excessive  
8 alcohol concentration."  
9

10 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.  
11

12 NEW SECTION. **Section 4. Applicability.** [This act] applies to offenses committed on or after [the  
13 effective date of this act].  
14

- END -